

Remarks

By way of the amendment of this date, claims 1 and 14-22 have been amended. Therefore, claims 1-3 and 6-22 are now before the Examiner for consideration. The subject invention provides unique and advantageous animal feeds that increase the feed efficiency of animals and methods for increasing the feed efficiency of animals comprising the administration of the animal feeds of the instant invention. Certain of the claims have been amended for the purpose of expediting the patent application process in a manner consistent with the Patent and Trademark Office Patent Business Goals (P.B.G.), 65 Fed. Reg. 54603 (September 8, 2000), in order to lend greater clarity to the claimed subject matter, advance prosecution, and facilitate the business interests of Applicant. Support for these new claims and the amendments to the pending claims can be found throughout the subject specification, including, for example, page 4, line 24 through page 5, line 12. Favorable consideration of the claims now presented, in view of the remarks and amendments set forth herein, is earnestly solicited.

Claims 1-3 and 6-22 have been rejected under 35 U.S.C. § 112, first paragraph, as containing subject matter not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor was, at the time the invention was made, in possession of the claimed invention. Applicant respectfully submits that the subject invention finds support in the specification at page 4, about line 24. Applicant also respectfully submits that this issue is moot in view of the amendments made to the claims.

Claims 13 and 15-22 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to point out and distinctly claim the subject matter regarded as the invention. Applicant respectfully submits that this issue is moot in view of the amendments made to the claims.

In view of the foregoing remarks and amendments to the claims, Applicant believes that the currently pending claims are in condition for allowance, and such action is respectfully requested. The Commissioner is hereby authorized to charge any fees under 37 C.F.R. §§ 1.16 or 1.17 as required by this paper to Deposit Account No. 19-0065.

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Applicant also invites the Examiner to call the undersigned if clarification is needed on any of this response, or if the Examiner believes a telephonic interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,



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Attachments: Marked-Up Version of Amended Specification Paragraph  
Marked-Up Version of Amended Claims

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Docket No. GJE-13XC1D1C1  
Serial No. 09/767,355**MARKED-UP VERSION OF AMENDED SPECIFICATION PARAGRAPH**

Please substitute the paragraph found on page 1, lines 3-8 with the following paragraph:

This is a continuation-in-part of co-pending Application Serial No. 09/637,459, filed August 11, 2000, now U.S. Patent No. 6,326,037, issued December 4, 2001; which is a continuation of co-pending Application Serial No. 09/125,212, filed ~~August~~ August 14, 1998, now abandoned; which is a national stage application of International Patent Application No. PCT/GB97/00433, filed February 17, 1997, which claims priority from provisional Application Serial No. 60/016,988, filed May 7, 1996, and British Patent Application No. GB 9603168.7, filed February 15, 1996.

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**MARKED-UP VERSION OF AMENDED CLAIMS****Claim 1. (Twice Amended):**

A method for increasing the feed efficiency of animals comprising administering to the animals ~~an essentially dry~~ solid feed comprising a feedstuff and an amount of an organism that increases the feed efficiency of said animals, wherein said organism is selected from the group consisting of *Lactobacillus buchneri*, *Lactobacillus kefir*, *Lactobacillus parakefir* and *Lactobacillus parabuchneri*.

**Claim 14. (Amended):**

An ~~essentially dry~~ solid feed comprising a solid feedstuff and an amount of an organism selected from the group consisting of *Lactobacillus buchneri*, *Lactobacillus kefir*, *Lactobacillus parakefir* and *Lactobacillus parabuchneri*, wherein said amount of organism increases animal feed efficiency.

**Claim 15. (Amended):**

The ~~dry~~ solid feed according to claim 14, wherein said organism is *Lactobacillus buchneri*.

**Claim 16. (Amended):**

The ~~dry~~ solid feed according to claim 14, wherein said amount of organism is administered in an amount of between  $10^5$  and  $10^{14}$  colony forming units (CFU) per head per day.

**Claim 17. (Amended):**

The ~~dry~~ solid feed according to claim 14, wherein said amount of organism is between  $10^9$  and  $10^{10}$  colony forming units (CFU) per head per day.

**Claim 18. (Amended):**

The ~~dry~~ solid feed according to claim 14, wherein said solid feedstuff comprises forage, cereal grain, grasses, legumes, crop residues, corn, sorghum, wheat, rye, barley, oats, rice, cottonseed, gin trash, cotton processing byproducts, potato waste, citrus pulp, almond hulls, peanut hulls, bakery waste, wheat midds, or mixtures thereof.

Claim 19. (Amended):

The ~~dry~~-solid feed according to claim 14, wherein said organism is *Lactobacillus kefir*.

Claim 20. (Amended):

The ~~dry~~-solid feed according to claim 14, wherein said organism is *Lactobacillus parakefir*.

Claim 21. (Amended):

The ~~dry~~-solid feed according to claim 14, wherein said organism is *Lactobacillus parabuchneri*.

Claim 22. (Amended):

The ~~dry~~-solid feed according to claim 18, wherein said solid feedstuff is whole, chopped, ground, ensiled, cracked, high moisture, or steam-flaked.